

## OPINION

# From whom do we take Shariah? How do we get legitimacy?

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Perhaps some of the “radical” followers have missed the meanings articulated by Crown Prince Muhammad Bin Salman in his last television interview.

With this, I mean his discussion of the concept of the “renewed” Saudi Vision of the meaning of legislation and its sources, and what is the cultural identity, including the religious identity; of course, the approved one.

The space available here is limited and hence I sum up my words with regard to the talks of the Crown Prince about excluding weak sources or the circumstantial ones that are relevant mostly to their time, as well as the Saudi commitment as far as the constitutional points of view are concerned.

The Crown Prince referred to what is described as “unilateralism” of quoting the sanad (chain of narrators of a Hadith), saying that we are not locked up in its cage, but rather emphasizing that if we obligate ourselves to a Hadith that has a poor sanad, it means violation of the wisdom of God.

Let me refer to the original words of the Crown Prince in which he noted that if one refers to a Hadith of weak sanad and obligates people to act accordingly from the Shariah point of view, perhaps he challenges the capabilities of God Almighty who said that the Holy Qur'an is valid for every time and place.

This means that adhering to the independent reasoning (ijtihad) of the Islamic jurists in the past and their perceptions of life prevent the generations to come to practice their life as real Muslims who

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hold fast to the basic tenets of the Islamic Shariah.

Let me cite the example of a bus that carries the records of Muslim jurists, from all schools of thought, with regard to the rulings about slavery and captivity, and hundreds or even thousands of pages and fatwas (religious edicts) pertaining to them. Where is slavery today? Where is captivity?

It has become part of the dead past, though it had been misused by the arrogant Daesh (so-called IS) group to serve their ulterior motives.

In fact, the concept of the Islamic Shariah is a dynamic and vibrant one that activates, excites and interacts.

It is not the deaf rock concept of Shariah coined by some who placed it before the state and society, saying: Here is the Shariah, complete and final; embrace it or you would become disbelievers!

This is the concept promulgated by such writers like Sayyid Qutb or Abul A'la Maududi. It is not the understanding of the great jurists and sultans of law about the real meaning of the Islamic Shariah.

Among these scholars, for example, are the great Tunisian jurist and commentator of Qur'an Sheikh Muhammad Al-Tahir Bin Ashur, who authored the book "The Objectives of Islamic Law."

In the preface of the book, he said: "The path of interests is the broadest path that a jurist would take in managing the nation's affairs when it is confused by the paths, and if this clear path is not being followed, it would have prevent Islam from being a general and enduring religion."

Compare this with Maududi's saying: "Muslims are not a nation like the nations of the world. Rather, the matter is that Islam is a revolutionary idea and a revolutionary platform that wants to destroy the entire social world system, and that it will be rebuilt anew according to its idea."

Here, I quoted the talk of a wise and visionary scholar and that of another who is reckless, imprudent and shortsighted. Yes, for Maududi, he would have his special reasons related with the situations of the Muslims of India, but this does not justify our adoption of his crisis thinking.

In any case, the concept of Shariah is much broader than that of the viewpoints of Sayyid Qutb, Maududi and those who issued it. The origin of the word Shariah in the Arabic language is source of water.

And yet, the eminent Islamic scholar Muhammad Al-Shahristani asked, in his book "Kitab Al-Milal wa al-Nihal or the Book of Sects and Creeds (1-56), this revealing question: "How does he

interrupt what ends... what does not end?!

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